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# Tolerance as Civility

David Owens

*King's College London*

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BLAME IS UBIQUITOUS; we frequently think that others are doing wrong, and often we inwardly blame them for it. We also exercise forbearance; we don't always act on our opinion of the doings of others. I shall distinguish two forms of forbearance: accommodation and toleration. To *accommodate* someone's bad behaviour is to refrain from preventing or even discouraging it; it is to allow the wrong to occur without interference. To *tolerate* their bad behaviour is to refrain from expressing one's disapproval of it; it is to allow the wrong to pass without condemnation or reproach.

Many vegetarians regard raising animals for the purpose of killing and eating them as a serious wrong, and they disapprove of carnivores who encourage and commit such wrongs, but most vegetarians in most situations exercise forbearance. They don't take the meat from the shelves of butchers or the mouths of diners, nor do they remonstrate with those who purvey and consume meat. Some vegetarians may wonder whether such forbearance is a good thing, whether they are in fact condoning the eating of meat. Before tackling that question, we must get clearer on the nature and varieties of forbearance. Our vegetarians face not one but two practical questions, two questions about what to do. First, should they seek to stop or at least to discourage the eating of meat (*i. e.* should they refuse to accommodate it)? Second, should they express their disapproval of meat eating (*i. e.* should they refuse to tolerate it)?

The distinction just highlighted might seem little more than a matter of emphasis. If you are sufficiently moved by your disapproval of meat eating to prevent it, aren't you thereby expressing your disapproval of meat eating? Coercion may be the best form of condemnation. Still there is a narrower sense of 'expression' in which the vegetarians may not be expressing blame or disapproval of the carnivores by interfering with them. Suppose the vegetarians accept that the carnivores have an excuse for eating meat, perhaps because they have some cause to be ignorant of the moral law on this point, perhaps for some other reason. Where someone has an excuse, you shouldn't blame them for what they do (wrong though it be) and you shouldn't express such feelings if you have them. Perhaps the vegetarians can't help blaming

the carnivores, but at least they'll suppress their disapproval and won't reproach or condemn the behaviour of the carnivores. *Still* the vegetarians may think meat eating ought to be stopped, simply in order to protect the animals. Here the vegetarians feel entitled to act on their disapproval of meat eating (and in that sense express it) without acting *in order to* express their disapproval.<sup>1</sup>

Much of the time we act from a mixture of motives: a vegetarian whose patience has worn thin may speak harshly to a shameless carnivore both in order to express their own indignation *and* in order to stop the other from eating meat, thereby preventing the wrong. On some such occasions the vegetarian may think hard words are justified only because they have reasons of *both* sorts; neither by itself would suffice. On yet other occasions, the vegetarian may not expect to have any influence or else may not feel entitled to "bring pressure to bear". They are speaking simply to take a stand; their action is purely expressive.

If this is all correct, the question of whether the vegetarians are right to forbear when confronted with the eating of meat resolves itself into two questions: First, should they accommodate the eating of meat, or is there sufficient reason to seek to prevent it? Second, should they tolerate the eating of meat, or is there sufficient reason to express their disapproval of it? Much writing on toleration either fails to separate these questions or else directs our attention firmly to the question of accommodation.<sup>2</sup> In employing the word 'toleration' to mark the

1. Most (perhaps all) attitudes involve a desire to express those attitudes: to feel love, admiration, disgust, contempt and disapproval is in part to feel some desire to express those attitudes. Even belief (I would argue) involves some desire to express that belief should the occasion arise (Owens 2006: 109–10). We need not act on this expressive desire, but where we do, we act in order to express the relevant attitude.
2. For example, (Nagel 1991: Chapter 14), (Rawls 1996: 3–4), (Scanlon 2003: 198) and (Scheffler 2010: 321–2) all focus on accommodation. Hobbes may be an exception. His fifth law of nature requires "that every man strive to accommodate himself to the rest", whilst his eighth law of nature stipulates "that no man, by deed, word, countenance or gesture, declare hatred or contempt of another". Hobbes distinguishes both accommodation and toleration from forgiveness (Hobbes 1994: 95–6).

neglected second issue alone, I may be narrowing ordinary usage, but there is a question that needs to be highlighted, and I shall do so by using 'toleration' in this more restricted sense.

Liberalism in both its Kantian and Millian forms contains a doctrine of accommodation, one based largely on the value of autonomy. According to the liberal, we should often allow people to do things we know to be wrong without interference, because they ought to be left to live their lives by their own lights.<sup>3</sup> I shall neither endorse nor dispute this familiar idea, but I doubt it can resolve my question of toleration. Rather I seek to ground our practices of toleration in a doctrine of *civility*, a doctrine based not on the value of autonomy but rather on claims about how the attitudes of others affect our well-being.<sup>4</sup> This doctrine of civility tells us when it is appropriate for people to express their attitudes towards those around them. The consequent doctrine of toleration tells us when it is appropriate to express the attitude of disapproval in particular. In the first section, I consider civility quite generally, whilst in the second I move onto toleration. Perhaps our doctrines of civility and accommodation can, in the end, be derived from a common source, but the formulation

3. For Mill the important line is that between cases where we merely express disapproval and cases where we use force as an incentive to get someone to desist. Mill allows that thinking someone a fool or at fault is itself an injury, albeit an inconvenience "inseparable from the unfavourable judgement of others". Being subject to disdain, contempt, persuasion, exhortation and even social ostracism are other such inconveniences. In Mill's view, provided none of these injuries are "purposefully inflicted for the sake of punishment", they are not problematic in the way that legal coercion is (Mill 1961: 325). See also (Mill 1961: 38).
4. Another approach would be to base a doctrine of civility on the notion of respect. Buss argues that showing proper respect for someone involves more than merely recognizing their autonomy by accommodating their projects and values (Buss 1999: 797, 802–4). One must also "express respect" and thereby "directly acknowledge the intrinsic value of others" (Buss 1999: 809). This suggestion can be assessed only in the light of further elucidation of the notion of respect (*e.g.* might not a proper respect for someone require you to express your disapproval of their wrongdoing? [Mill 1961: 324–5]). If respecting someone involves giving suitable weight to their interest in not being subject to certain forms of expression, Buss's suggestion would be consistent with my own.

of a doctrine of toleration should not await the realisation of this theoretical ambition.<sup>5</sup>

## 1. Civility

I begin with the claim that there are autonomous norms of civility.<sup>6</sup> A norm of civility tells us when and how it is appropriate to express a given attitude. 'Attitude' here covers the whole gamut of the passions: disgust, contempt, love, anger, fear. It also extends to judgements, beliefs, hopes and wishes. 'Aptness' (or appropriateness) must be taken as a primitive, though I will be contrasting it with various notions (like adequacy, sincerity, accuracy and desirability) as the discussion proceeds. 'Expression' is another primitive.

Are there autonomous norms of civility? Few would deny that the expression of an attitude can be more or less adequate; for a start you can express your attitude poorly through incompetence or insincerity. But not all adequate expressions of attitude are apt: I can express my anger or my love with great precision and candour though quite inappropriately. And this may be so even if the love or anger is itself entirely apt. Thus at least one aspect of the aptness of an expressive action derives neither from the aptness of the attitude it expresses nor from the adequacy of its expression.

Perhaps apt expression is expression with desirable consequences? I doubt civility can be explained in this way: telling someone what they need to know might be uncivil though desirable on the whole. Should we instead focus on some specific desirable consequence? Hume maintains that the possession of good manners is "a quality immediately agreeable to others" (Hume 1975: Section 8), but the same can be true of unmannerly behaviour. An off-colour joke or a rude gesture is often thoroughly enjoyed, especially when the butt of the joke is not present. And good manners can be grating.

5. Rawls includes a "duty of civility" in his doctrine of accommodation (Rawls 1999: 217), but my usage is different.
6. The fact that the word 'autonomy' occurs both in 'value of autonomy' and in 'autonomous norm of civility' is an unfortunate coincidence.

An autonomous norm of civility is a norm (other than a norm of adequacy or sincerity) that governs the expression of our attitudes, a norm derivable neither from norms governing those attitudes themselves nor from norms that assess our expressive actions by the desirability of their further consequences. In this paper, I shall use the phrase 'further consequences of X' to refer to phenomena distinct from X that are the effects of X. Thus (if the claims to come are correct) harm to me is not just a *further* consequence of my friend's contempt for me, because his contempt is in itself a harm. By contrast, my feeling of hurt *is* a further consequence, because this feeling is distinct from the contempt that causes it. The instrumental value of X is the value it derives from the value of its further consequences.

Norms of civility arise, I shall urge, from the fact that it often matters for its own sake whether an attitude gains expression. Here I use terms like 'matter' and 'count' in a narrow sense. Something *matters* (or *counts*) when it matters *to* someone (or counts *for* someone), and something matters to someone when it makes a difference to their well-being, when it affects their interests, when it helps to determine how well their life is going.<sup>7</sup> On this usage, your contempt matters to me where the fact that you feel contempt for me makes my life go worse, where your contempt constitutes an injury to my interests.<sup>8</sup>

I maintain that the attitudes of others can matter to me regardless of whether those attitudes gain expression and quite apart from any further consequences that the existence of those attitudes may have for me or for anyone else. My life often goes a bit worse if an acquaintance despises me for something, whether or not they express this and

7. In this paper I focus on the interests of the object of an act of expression, the person to whom the expressed attitude refers. A fuller account would also consider the interests people have in expressing their own attitudes and the interest we all have in whether or not we are the recipients or witnesses of acts of expression. The norms of civility strike a balance between these often competing interests.
8. Your contempt might also matter to me (or to someone else) in a broader sense of that term in which things that have no impact on my interests can matter to me. I leave this open.

whether or not I (or anyone else) learn of it; the deeper their contempt, the greater the injury. Others would feel a little sorry for me should they learn of this, though, where they think the contempt justified, this sorrow may be replaced by a feeling of relief that they are not in my place. Here they are not merely glad that they don't merit contempt themselves; they are also glad that they are not actually despised. Once I discover how others regard me, I'll likely be upset, and that upset will further degrade my well-being, but I'm upset here precisely because I come to realise that I was *already* worse off than I thought.<sup>9</sup>

It is important to this example that the person who despises me is an acquaintance. I doubt that just *anyone's* contempt makes my life go worse. For contempt to matter, it must occur in context of a *relationship* of a certain sort. Shared personhood is insufficient. Perhaps certain attitudes matter to me simply because they are held by a fellow human being. For example, if someone is enjoying the sound of my being tortured, that might make the torture a worse thing to happen to me, whether or not I am aware of their delight. But most attitudes matter only in the context of some form of social involvement, and how much they matter is a function of whose attitudes they are. My house-guest's opinion of my choice of furniture counts for something, my electrician's opinion for much less, though the former may have no better taste than the latter. And my friend's judgement that I made a foolish marriage matters as the judgement of a well-informed stranger does not, though I remain oblivious to them both.

Friendship, neighbourliness, relations of hospitality, collegiality, membership in a team or joint enterprise, a fiduciary relationship like being someone's lawyer, even being a fellow citizen can ensure that someone's attitudes count for you. X's attitude can still count for

9. Those who defend a purely experientialist conception of well-being will reject these contentions, but such experientialism has been widely criticized (e.g. Nagel 1970: 76–8 and Griffin 1986: 13–4). Though experientialism is false, it may still be that a part of what determines whether something is good for us is whether we would enjoy it were we to become aware of it. A parallel: a red thing is something that seems red to us in certain conditions. Nevertheless, unperceived things can be red, and the redness of a car can explain why we see it as red.

Y, though X's attitude has little effect on what Y thinks or feels on the topic: counting is not the same thing as influence. In a relationship of common purpose, like a sports team or military unit, an important source of motivation is the idea that it matters to you what your leader or teammates think of you (though reluctant soldiers need to be taught to care about this).

Furthermore, it matters to me that there should be people for whom my attitudes count and also people whose attitudes count for me. Part of the point of making the above-mentioned personal connections is to ensure that this is so.<sup>10</sup> One good thing about having a friend is that it matters to each of us how the other regards us. Of course, I wouldn't welcome my friend's thoughts about my foolish marriage, but I do welcome our having the sort of connection that ensures that their attitude towards my marriage matters to me and *vice versa*. To be a person whose attitudes count for nothing and for whom no one's attitudes count would be deeply dispiriting.

Given that someone's attitudes matter to me, it *also* matters to me whether those attitudes gain expression, at least where the expression is *public* (Owens 2012: 63–4). This point may be too easily conceded. Many would agree that where an acquaintance either communicates their contempt to me, or else communicates their contempt to other people whose attitude to me is affected, that will likely make my life go worse in all sorts of ways. But the point does not turn (solely) on such further effects. Suppose my colleagues think me an inept philosopher and they mock me behind my back. Here I am harmed by their attitudes but also by their expression. The problem is not that one colleague might lower another colleague's opinion of my abilities, for my colleagues may know perfectly well what they all must think of me. Perhaps they have mocked me in the past; perhaps it is simply obvious that it is obvious to each of them that I am no good at philosophy. Nevertheless, they should refrain from public mockery, because I am

10. It may be that some (perhaps non-human) persons have no interest in what others think of them. If so, relationships like our friendship and acquaintanceship would not exist amongst them.

their colleague. Once I learn of their mockery, I rightly resent these expressions of contempt and not just the attitudes that they express. And I resent them because I've discovered that I am being harmed in a certain way.

The fact that the *expression* of an attitude has its own (non-epistemic) significance underlies a wide range of social phenomena. Consider, for example, the difference between expressing an attitude and merely communicating it. I may let you (and/or others) know that I am angry with you without expressing my anger, either to you or to anyone else — for example, by calmly asking my secretary to cancel a lunch appointment with you. Here you are left in no doubt that I am angry (I am not in the habit of cancelling appointments), but my tacit communication has a quite different social and emotional significance from an open expression of annoyance like an exchange of angry words. I choose to communicate my anger without expressing it precisely in order to avoid inflicting on you a specific sort of injury, and your certain knowledge that I am annoyed with you is accompanied by relief that you (and others) were spared an open display of my anger.<sup>11</sup>

Both *how* an attitude and its expression matter to me and *how much* they matter is a function of many variables: the topic of the attitude, the relationship between us, the degree of publicity or privacy of the expression, its forcefulness and so forth. For example, one *might* be worse off precisely because one is admired for features that one doesn't in fact have or else for features that are not very admirable. And one *might* be better off overall should one's friend go ahead and express their reservations, because concealing them would have tarnished our relationship. My only point is that attitudes (and their expression) help to determine how well our lives are going quite apart from the further consequences of people having those attitudes and expressing them. And, in many contexts, contempt harms and admiration

benefits regardless of those wider effects. You lead a better, more successful life simply because those who matter to you express admiration rather than contempt for you.<sup>12</sup>

Note that expression can be either intentional or unintentional. You can express your contempt for me unintentionally, *e.g.* by grimacing whenever I am praised.<sup>13</sup> Whether you are aware of it or not, you are being rude. Your behaviour injures me over and above the injury constituted by the attitude it expresses and quite apart from any pain or reputational damage caused. Your grimaces injure me simply because they constitute a public display of contempt and my life goes worse once I am subject to such displays.

As already noted, there is a crucial difference between public and private expression. Say you express your contempt for me by writing abuse in your secret diary. Your expressing it on paper adds little or nothing to the simple fact that you despise me. Should I already know that you despise me, I won't feel more aggrieved just because you wrote this down. Publishing the diary makes things a lot worse, simply because your derision receives public expression.

Much more needs to be said about the notions of publicity and privacy. Here I confine myself to observing that what counts as private or public expression will be a function of various factors: the relationship of the parties, the topic of the expression, what counts as normal behaviour or a normal perceptual apparatus in the relevant context and so forth. In particular, the privacy of an act of expression is not a simple function of how easy it is to know about it. What you say in your own living room may count as private even if it is much easier for the neighbours to learn of it than of what you have written in some obscure publication. Civility has a special subject matter, its norms protect quite specific interests, it may well draw the boundary between the public

11. The difference between expression and communication also explains why people are often happy to imply (*i.e.* communicate) things that they are unwilling to assert (*i.e.* express their convictions about). See (Owens 2006: 106–12).

12. As I am using the term, expression is necessarily sincere: one can't express feelings one doesn't actually have (Owens 2006: 109). I leave it open whether insincere "expressions" of an attitude can (in themselves) be harmful (at least where the attitude they purport to express would matter to me).

13. Your grimaces are motivated by a desire to express your attitude even though this expression is unintentional.



and the private realm in its own way, and we should not assimilate its rules and notions to others that respond to different concerns.<sup>14</sup>

In this section I have not tried to formulate a detailed doctrine of civility, only tried to make it seem plausible that there are autonomous norms of civility. My claims about the bearing of expression on human interests and well-being may well be denied.<sup>15</sup> I have supported them by noting the sorrow (for someone else) and the regret (for oneself) we typically feel at the public expression of unfavourable attitudes (and regardless of the further consequences of such expression). At least where there are no countervailing demands on our emotional attention, sorrow and regret seem perfectly apt. They reflect the idea that how well our lives are going is not just a function of our subjective state or of the success of our (worthwhile) plans and projects; it is also a function of how the people around us regard us, even where their reactions do not otherwise impinge on our states, plans and projects. No doubt the feelings of sorrow and regret to which I have drawn attention can, in one way or another, be explained away. But in the absence of a convincing general theory of human well-being that renders them groundless, I shall take appearances at face value and assume that the public expression of one's attitude towards another person can possess a significance of its own.

## 2. Tolerance

With the outlines of a doctrine of civility before us, let's treat toleration as an instance of civility. Toleration is called for by acts, attitudes and practices that are otherwise occasions for *disapproval*. To tolerate the neighbour's loud music, a colleague's unpunctuality or your grandfather's racism is to suppress your disapproval of these things (Raz 1986 403, Scanlon 2003: 187, Walsham 2006: 4). Where suppression is a

14. For example, compare the notion of publicity employed in our doctrine of civility with that needed to formulate rules of public decency (Elias 2000: Part 2). They seem related but not identical. *A fortiori* for the notions of the public sphere, public justification and so forth that appear in liberal doctrines of accommodation (Rawls 1999).

15. "Sticks and stones will break my bones but words will never harm me."

matter of inhibiting an expression of disapproval, the way is open to treating the norms of toleration as a part of our doctrine of civility. I'll first characterise the subject matter of a doctrine of toleration and in the next section give the grounds for it.

A doctrine of toleration concerns the appropriateness of (public) expressions of disapproval.<sup>16</sup> To disapprove is at least to judge that someone wrongfully thought, felt or did something, and the disapproval is *accurate* when that judgement is correct.<sup>17</sup> But one can make the judgement that someone wrongfully thought, felt or did something without disapproval. To disapprove is to *blame* the object of disapproval, and to blame someone involves more than merely judging that they did wrong. For instance, you may realise that the wrong is excusable and so blame inappropriate. Nor can blame be identified with the judgement that someone has done wrong without excuse. When the object of your infatuation wrongs you, you might find yourself unable to blame them for it, though you realise they have no excuse: you are (inwardly) condoning what they did. Elsewhere I contend that blame is a form of anger (Owens 2012: Chapter 1), but here I shall be assuming only that blame is an attitude to the wrongdoer (*qua* wrongdoer) that goes beyond the judgement that they did wrong.

An action raises issues of tolerance in so far as it is motivated by a desire to *express* blame or disapproval. Blame manifests itself in acts of condemnation, denunciation, remonstrance, reproach and so forth. Merely telling someone they did wrong is often a reproach but not always. For instance, moral educators may be wary of the tone they

16. Can adverse feelings be intolerant as well as harmful even where you reliably suppress them? I'm unsure. Here I'll focus on expression.

17. There is such a thing as visceral aversion, a feeling not based on the judgement that there is anything wrong with its object. Couldn't I be called upon to tolerate broccoli simply because it disgusts me and regardless of whether I disapprove of it? I might feel a similar sort of antagonism towards certain people, perhaps because of their race. Isn't this also an occasion for toleration (Raz 1986: 402–3)? Perhaps so: it certainly raises issues of civility. For present purposes I restrict myself to toleration that involves disapproval and its suppression.

adopt lest they add the injury of remonstrance to the distress caused by the revelation that they judge their charges to have done wrong.

Earlier I highlighted the difference between expressing your anger to someone and merely communicating the fact that you are angry. A relationship can often survive shared knowledge of the fact that one party is angry with the other even when it would be unable to survive an open expression of anger.<sup>18</sup> The same applies to disapproval (Nagel 1998: 14–6). Friendship *may* oblige you not to bring your disapproval of what I've done out into the open (either between us or between yourself and a third party) without preventing you from tacitly communicating that disapproval to me (or another). A friend may feel able to let me know that he disapproves of my meat eating without openly expressing his indignation.

Disapproval concerns *wrongs*. I can judge that someone is thinking or doing the wrong thing without judging that they are thinking or doing anything wrongful or blameworthy, *i. e.* committing a wrong. (In political debates about the relative priority of education and health care, I may regard my opponents as mistaken, but I won't disapprove of their erroneous beliefs unless I also think them unreasonable in an inexcusable way). Disapproval deploys the notion of a wrong: merely giving something a low grade or valuing it less than other things is not to disapprove of it. One can regard some acts, attitudes and practices as worth less than others (or even hold them in contempt) without thinking of them as wrongful or blameworthy. If I let my employees off for Christian but not for Muslim festivals, that may be invidious, but it is not intolerant unless my so doing is an expression of the view that it is wrong to observe Muslim holidays. Choice often requires value

judgements but choice does not raise issues of toleration unless it expresses disapproval.<sup>19</sup>

If my characterisation of tolerance is correct, candidates for toleration include any act, attitude or practice that could be seen as wrong or blameworthy.<sup>20</sup> You can tolerate a wrong regardless of who is wronged by the wrong; indeed you can tolerate victimless crimes that wrong nobody. Stock examples of toleration involve a disagreement in normative judgement between the tolerator and the tolerated, but, as we shall see, this is inessential to toleration. The tolerated party may accept the very norm they violate.<sup>21</sup>

I place the following restriction (perhaps stipulative) on the scope of 'disapproval': a disapproving attitude must matter to the object of disapproval. *Disapproval is blame which counts*. The motivation for this restriction is that an attitude must count in order for its expression to raise issues of civility and toleration. Only if an attitude counts does the (mere) expression of it constitute an injury. For example, my friends can disapprove of my marriage, because it matters to me what my friends think. They can also tolerate it (or not) as they see fit and thereby avoid inflicting the injury of expressing their disapproval. By contrast, I am in no position to tolerate Hillary Clinton's choice of marriage partner in so far as my attitude and its expression leave her interests unaffected.

An important feature of urban life is the degree of social integration it requires, and opportunities for both tolerance and intolerance multiply once we share our social space with many others. For those who live in isolated villages or ghettos and rarely come into contact

18. On my view, we can *explain* why your expression of anger at me has a greater psychological impact on me than would mere communication of the fact that you are angry with me. Expression (whether or not I am aware of it) harms me in a way that communication does not. Thus to become aware of the fact that someone is expressing anger about me is to become aware of the fact that I am being harmed in this special way.

19. The merits of hate-crime legislation are debatable, but victims do have a specific interest in whether the assault they suffer expresses a disapproving attitude.

20. We also speak of tolerating groups (*e.g.* Catholics) or individuals (*e.g.* one's son-in-law), but this is shorthand for toleration of their perceived faults. Of course, the *grounds* of toleration may concern the status of the individual or group quite as much as the nature of their fault, but that is another matter.

21. Thus one can tolerate (or condone) one's own faults, provided apt suppression of self-disapproval is a possibility.



with the wider world, the attitudes of that world will count for very little. The life of their community would be no less successful simply because the rest of the world happened to disapprove of what went on in it. But once the inhabitants start to form commercial connections, make friends, entertain outsiders as guests and so forth, this all changes. Both tolerance and intolerance become real options.

In the last section I claimed that the public expression of an unfavourable attitude could matter to me whether or not it is addressed to me and whether or not I am even aware of it. Clearly expressions of intolerance need not be addressed to me and might occur behind my back. Homophobic abuse is no less intolerant just because the abuser keeps it for the ears of presumed heterosexuals.<sup>22</sup> Even the expression of baseless attitudes can constitute an injury, and the same is true of disapproval. Those who regard condemnations of homosexuality as baseless do not, for that reason, regard them as any the less intolerant, and, if I am right, that is because baselessness does not render them harmless. King James I's life went worse simply because he was surrounded by courtiers who denounced his homosexual liaisons. Though James was harmed in no other way, we might feel sorry for him on this point at least.

In the next section, I'll examine the grounds of toleration. There are various reasons why one might suppress expressions of disapproval. Some depend on their undesirable further consequences, *e.g.* the defensive reactions of their object or the great suffering you might cause them. Others have to do with the merits of the attitude of disapproval: expression of it may be inappropriate because the attitude is itself inappropriate. I've proposed that there are autonomous norms of civility, norms which govern the expressions of attitudes and which cannot be reduced to those governing the attitudes themselves, nor to those concerned with the adequacy of their expression or its further consequences. Among these norms of civility are autonomous

22. The idea that expressions of intolerance *must* be addressed to the object of disapproval would make sense only if you thought that the point of intolerant behavior was to discourage the thing you disapprove of.

norms of toleration, norms regulating the expression of disapproval. But before investigating their grounds, I shall wrap up this section by distinguishing toleration from certain social phenomena that are easily confused with it.

The standard story of the rise of toleration since the Reformation begins with people who tolerated one another because the alternative was an open-ended religious war. This is toleration motivated by fear of the further consequences of a failure to tolerate. What I'd call *genuine* (religious) toleration is toleration motivated by the thought that it is often intrinsically appropriate to refrain from expressing your disapproval of the religion of another, either in fighting words or in actual fighting.<sup>23</sup> The latter idea is easily confused with some rather different ideas that took hold around the same time.<sup>24</sup> We must distinguish the rise of tolerance from the decline of intolerance.

Recent social history is in part a story about how the preconditions of intolerance are less frequently satisfied than they once were. For example, some of what is called religious tolerance is in fact a product of religious indifference or religious scepticism. You are in a position to disapprove of others for wrongfully adhering to an erroneous religion only if you think that there are religious truths and that we have some idea what they are. The rise of religious pluralism and agnosticism cuts intolerance off at its source by dissolving doctrinal differences. Still it is confusing to describe this as a form of religious toleration. Once religious differences have disappeared, the opportunity to tolerate people of different faiths has gone with it.

23. In this paper, I use 'intrinsic' simply to mean 'non-instrumental', so 'intrinsically valuable' means 'non-instrumentally valuable' or 'valuable for its own sake'.

24. Recent historiography of the rise of religious toleration in Europe has cast doubt on the idea that liberal notions of accommodation played a major role in the social and political life of the Early Modern period (*e.g.* Kaplan 2007: 8 and Walsham 2006: 228–47). These doubts may be well-founded. What I call genuine tolerance is an element in a range of relationships — friendship, hospitality, neighborliness etc. — that surely did exist in the Early Modern period (as these very writers emphasize) and which were, for that very reason, regarded with suspicion by the agents of intolerance.

The success of the humanitarian movement also undermined intolerance by removing the preconditions for the attitude of disapproval which intolerance requires. Disapproval is inappropriate when the object of your disapproval has a good excuse for what they have done, and humanitarian thinking uncovered new and varied forms of excuse. Prior to the Second World War, many soldiers who would now be treated for shell shock or battle fatigue were shot for cowardice in the face of the enemy. I doubt this change is best described as the military coming to tolerate desertion; certainly that is not how the military would describe it. Rather this is a case of their earlier intolerance (*i.e.* the violent expression of their disapproval of cowardice) being undermined because the attitude of disapproval that the intolerance expressed has been shown to be inappropriate. The victory of psychological determinism would not usher in an era of tolerance any more than the triumph of moral scepticism.

So how can the suppression of accurate disapproval be intrinsically apt? How is such a tolerant attitude to be justified? In the next section, I'll address these questions by considering certain relationships within which toleration is apt and even obligatory.

### 3. Tolerance and Relationships

It is often appropriate to suppress one's disapproval of wrongdoing, to fail to give one's disapproval public expression. I'm calling the apt suppression of disapproval *toleration*.<sup>25</sup> Of course people can so refrain when an expression of disapproval is appropriate or even required. Call that *condonation*. The expression of disapproval when suppression is apt or obligatory is *intolerance*. The norms of toleration tell us when we should suppress our disapproval, but they also tell us when we should do the opposite, when tolerance would amount to condonation. As we shall see, the norms of toleration are the product of the

25. This stipulation implies that tolerance is never inappropriate. This may not fit contemporary usage (*e.g.* 'you ought not to tolerate that'), let alone that of a previous age when 'toleration' was often a pejorative term (Walsham 2006: 4–5, 228–9). Nevertheless, since it is the phenomenon of *apt* toleration that raises the difficult issues, the stipulation is useful for my purposes.

interaction of several values, of which the value of disapproval-suppression is only one.

There is a foundational issue here: how could it *ever* be intrinsically appropriate (or even obligatory) to suppress the expression of a disapproval that is perfectly accurate? Of course, there are endless reasons why it might be a good idea to refrain from expressing a well-founded attitude or reaction, all things considered. But if disapproval is called for and the heavens will not fall should you say so, why is there any virtue or even sense in refraining from expressing it? Scheffler calls this "the paradox of suppressed disapproval" (Scheffler 2010: 316). This worry is more pressing if we think (as do I) that one who disapproves has some reason to express their disapproval simply in virtue of (accurately) disapproving, that the expression of accurate disapproval has some value.

In previous sections, I have argued that the expression of emotions like contempt and disapproval can *itself* constitute a harm to their object (namely where you are dealing with a friend etc.) quite apart from the further consequences of that expression. Taking this point to have been established, it follows that the suppression of these emotions would *in itself* be a benefit to their object, quite apart from the further consequences of that suppression. Given this, it is no surprise to discover that the non-expression of disapproval is, in many circumstances, intrinsically appropriate. Indeed, in the case of a friend (etc.) it may be a benefit one is *obliged* to bestow on them. Thus the value of suppression can be (at least in part) non-instrumental (*i.e.* independent of the further consequences of suppression). The absence of the harm of disapproval-expression is not a further consequence of the suppression of disapproval, is not a desirable effect brought about by suppression; rather, successful suppression *just is* that absence and so immediately confers the benefit of that absence.

That is my resolution of Scheffler's paradox, but we still need to understand precisely how the norms of tolerance arise from the non-instrumental value of the suppression of disapproval. Before proceeding, we should note a feature of human life crucial for our purposes,

namely *the ubiquity of accurate disapproval*. One thing that creates the need for tolerance is the presence of significant normative disagreement.<sup>26</sup> Normative dissent, like that between the carnivores and the vegetarians, creates a situation in which each party feels entitled to disapprove of the other, and so the need for tolerance increases in an era of pervasive disagreement like our own. But tolerance is also required whenever there is (or appears to be) widespread wrongdoing, and that may be anticipated even in the presence of a strong consensus on normative issues. Any plausible human morality will set its face against certain familiar temptations, temptations many of us succumb to on a regular basis. We are inconsiderate, impatient, irascible, or simply irresolute in varying degrees, and these character traits do not excuse us. Nor are they likely to be eliminated anytime soon. The prevalence of vice creates occasions for toleration even where the list of vices is generally agreed upon.<sup>27</sup>

As we have seen, disapproval counts in the context of relationships, and the more intimate the relationship, the more it counts. We should not imagine that a valuable intimacy necessarily lowers the chances of accurate disapproval. No plausible ideal of friendship requires one to befriend only saints (or those one regards as such). Nor are we required to avoid partying with sinners or becoming their neighbours, let alone their relatives. Even if one has good taste in friends, disapproval will be accurate at least as often with one's friends as with one's acquaintances, fellow citizens and so forth, if only because one tends

to see more of one's friends. The need for tolerance is created by the ubiquity of accurate disapproval (whatever its source) when combined with the fact of social integration. Friends, for instance, are meant to have a special care for the interests of their friends, but by making a friend, you render each other especially vulnerable to a certain kind of harm, namely disapproval. Relations of hospitality, neighbourliness and even acquaintanceship also involve a concern, albeit a narrower one, for the interests of the other, and these relationships create a similar vulnerability.

By becoming Tom's friend, you ensure that Tom's character matters to you in a way it otherwise wouldn't and that your disapproval matters to Tom in a way it otherwise wouldn't. Suppose Tom cheats on his taxes and you learn of this. Were Tom a stranger whom you read about in a newspaper, you could freely speak your mind or forget the whole thing as you prefer. But when Tom is your friend it is hard to avoid taking a view, a view whose expression will be of special significance for Tom. And it will be equally hard to avoid occasions when it would (the need for tolerance aside) be pertinent to express your view to Tom or someone else. In sum, it looks as if your friendship for Tom places you under conflicting normative pressures. On the one hand, you are meant to have a special care for Tom's interests (though not for the stranger's). On the other hand, you can't simply ignore Tom's vices as you might those of a stranger.<sup>28</sup>

How to deal with the conflict created by Tom's wrongdoing? If Tom has wronged *me*, I can forgive him, and having forgiven Tom for what he did, it is no longer appropriate for me to express disapproval, either to Tom or to anyone else. Indeed it is no longer appropriate for me to *feel* disapproval (though I continue to believe that he did wrong).<sup>29</sup> Various things may be necessary to render forgiveness apt, but being inclined to forgive is considered a virtue, particularly within

26. Rawls claims that persistent and profound normative differences are "the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions" (Rawls 1999: 4). See also (Scheffler 2010: 323).

27. So a stable society facing widespread normative disagreement for the first time may already have resources to deal with it. This is another theme of the recent historiography of the Reformation (Walsham 2006: 207–12, 269–80; Kaplan 2006: Chapter 9), though other historians of the Early Modern period are more pessimistic (Elias 2000: 161–72). It is worth asking how far these prosaic notions can take us before we resort to "higher-order impartiality" between different moral conceptions (Nagel 1991: 155) and other distinctive products of liberal theory.

28. There is no virtue of suppressing apt *approval* within friendship, because no systematic conflict of values is involved, though it may be right not to express approval on a particular occasion.

29. For a more detailed account of forgiveness, see (Owens 2012: 51–61).

relationships like friendship; one may even be obliged to forgive one's friend. This, I suggest, is because forgiveness resolves a conflict which friendship creates for us.

Talk of "resolving conflict" might make it sound as if I am attributing an instrumental value to forgiveness, but the conflict here is not an undesirable outcome (like disruption of the friendship)<sup>30</sup> which forgiveness pre-empts; rather it is a logical tension between values. The values in tension each contribute to the distinctive value of friendship. First, there is the special care that friends have for the interests of their friends. Second, there is the fact that friendship ensures that the actions and attitudes of your friends matter (to you) more than those of a stranger.<sup>31</sup> Given the ubiquity of the occasions for accurate disapproval, these values pull us in different directions, the former discouraging the disapproval whilst the latter encourages it. The norms governing the appropriateness of forgiveness strike a balance between these competing claims, telling us how to regulate our disapproval in the light of them. The norms of forgiveness thereby integrate the potentially conflicting values characteristic of friendship, saying how a true friend would react to the situation.

Though forgiveness is usually more welcome than toleration, two features of forgiveness limit its scope. First, forgiveness is problematic whenever the wrong is likely to be repeated, either because the wrong manifests an ingrained vice or else because it reflects persisting circumstances that make it tempting. By ceasing to disapprove of an ongoing wrong, you are in danger of condoning it, of failing to take it seriously, of being more crony than friend. Second, you can generally forgive only wrongs done to yourself. I'm not in a position to forgive Tom for fiddling his taxes, nor for being rude to his partner. In both respects, tolerance is more flexible than forgiveness. As to wrongs

30. So long as Tom remains unaware that I disapprove of his not paying his taxes, our friendship may not be disrupted at all.

31. The role of friendship (etc.) in the argument is to provide one context in which emotions and their expression matter for their own sake. Friendship is not playing the role of a good that is preserved or protected by tolerance. That would give tolerance only an instrumental value.

against others, it is frequently apt for me to refrain from expressing disapproval of how my friend or my fellow guest has behaved towards a third party. I shouldn't take up the cudgels on another's behalf regardless of the injury I inflict, and the rules of tolerance tell me when it is appropriate for me to hold back. As to ongoing wrongdoing (whether against ourselves or another), our friends' vices or our neighbours' are just the sort of thing we are called upon to tolerate. Disapproval of their vices (*e.g.* of their insensitivity) may still be apt, and tolerance does not mean ceasing to disapprove; it entails only that we refrain from regularly *expressing* our disapproval.<sup>32</sup>

Where wrongdoing occurs in the context of a relationship that gives disapproval a special significance, tolerance is often not merely apt but actually required of us (*e.g.* it might be wrong to tell a stranger that you resent your friend's insensitivity). Nevertheless, friendship (for instance) does not oblige us to tolerate every wrong, any more than to forgive it; friendship does not mandate a general suppression of disapproval, or even render it appropriate. Many expressions of disapproval are too trivial to worry about. Others may be required of us by the heinous nature of the wrong: letting it pass without comment would be to condone it. In yet other cases, tolerance has genuine value but this value is outweighed by further considerations. Perhaps a well-timed expression of disapproval might exercise an improving influence, outweighing the harm done by the expression, and so you may inflict the harm of disapproval out of friendship. And sometimes you shouldn't conceal how strongly you feel about the wrong your friend has done, because friendship itself requires a certain kind of openness. My point is only that friendship (and other relationships), by giving disapproval a certain significance, thereby change when it is apt to express it, and frequently they make disapproval inapt by rendering it more harmful. The norms of tolerance tell us when this is so.<sup>33</sup>

32. Since giving one's disapproval expression is an injury over and above merely feeling it, tolerance reduces the harm without eliminating it altogether.

33. Different cultures weigh differently the competing values of sincerity, openness, moral improvement and the avoidance of public expressions of

I have not been arguing that tolerance is of value because it keeps the peace between friends or brings about some other desirable outcome. Still tolerance often does possess these forms of instrumental value. Might it instead be maintained that the value of tolerance is in fact *purely* instrumental, a mere reflection of the independent value of the relationships that it facilitates (Hobbes 1994: 96)? Perhaps tolerating your friend is just a matter of suppressing a disapproval that threatens to disrupt this intrinsically valuable relationship. When your friend has behaved badly, you may have to hold your tongue for the sake of the friendship, but, the objection goes, that is not a valuable aspect of the friendship. Apt toleration is a buffer against forces that threaten to disrupt a relationship valuable for quite other reasons.

Something like this may be true of tolerance between business partners. Writing of the London Stock Exchange in the 1720s, Voltaire observes that

Here Jew, Mohammedan and Christian deal with each other as though they were all of the same faith, and only apply the word infidel to people who go bankrupt. Here the Presbyterian trusts the Anabaptist and the Anglican accepts a promise from the Quaker (Voltaire 1980: 41)

Perhaps we wouldn't be missing anything if we regarded such suppression of disapproval simply as a way of avoiding disruption to the free flow of trade and the trust that it requires. That might be so even if one also regarded these trusting relations as intrinsically valuable, not just as useful instruments of commercial exchange. The tolerance they require may still be a facilitator of these trusting relationships and not something which itself contributes to their value.

Now consider friendship. Perhaps you happen to know your friend won't learn of your disapproval and so damage to the friendship is not

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disapproval. Compare Japan and Israel. I doubt there are universal truths about exactly how much tolerance should be valued, but I find it hard to imagine a human society that would regard the public expression of disapproval with complete indifference.

an issue. Still a public condemnation probably isn't appropriate, even setting collateral damage aside, because it involves inflicting an injury on your friend. Should your friend unexpectedly learn of your expression of disapproval, they'll be hurt, not just by the fact of your disapproval but also by your public condemnation. They may well think that loyalty should at least have led you to suppress your disapproval and thereby avoided inflicting a further injury on them. This all makes sense once we acknowledge that your friend has an interest in your attitude and its expression. And surely one intrinsically valuable aspect of friendship is the concern you have for your friend's interests, so someone who values friendship correctly should regard the tolerance it requires of them as part of what gives that friendship its value. A good friend can aptly regret that they must "put up" with their friend's vices and weaknesses (or else that they must forgive them), but what is regretted here are the vices and weaknesses themselves and the expenditure of energy required to suppress accurate disapproval of them. What should not be regretted is the *normative* fact that the friendship requires you to tolerate or forgive things that you wouldn't need to tolerate or forgive in a stranger.

#### 4. Conclusion: Illiberal Tolerance?

A doctrine of civility tells us when it is appropriate to give public expression to interpersonal attitudes. In the first section, I sought to ground a doctrine of civility in the idea that such expression affects our well-being. In particular, the expression of an unfavourable attitude constitutes an injury to its object, at least in the context of certain relationships. I then characterised a doctrine of toleration as a set of rules about when the expression of disapproval is appropriate and suggested that a doctrine of toleration can be based on the incivility of the public expression of disapproval, on the fact that such expression harms its object. In the third section, I noted that various relationships constrain the expression of disapproval in a way best explained by supposing that such expression would injure your friend, neighbour



or conversational partner. I thereby made a case for the intrinsic value of tolerance without invoking an ideal of individual autonomy.

Liberal advocacy of personal autonomy is still a fairly recent and local phenomenon. To make sense of whatever forms of toleration we find in pre-modern societies, or in those parts of the contemporary world where only lip service is paid to liberal ideals, we must seek other resources. Fear, scepticism and sheer indifference no doubt play their part, but it is hard to believe they are the whole story. Those forms of human involvement considered in this paper long pre-date the advent of Enlightenment doctrines of accommodation. Tolerance and forgiveness within friendship (for instance) is a more permanent feature of human life than the ideal of respect for the autonomy of the rational individual. Could our doctrine of tolerance as civility be applied in the political realm or to the criminal law, this would extend legal toleration beyond the borders of liberalism.<sup>34, 35</sup>

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34. It has been argued that punishment essentially involves the authoritative expression of social disapproval and that the promulgation of criminal law is a principal means by which society expresses disapproval of acts taken to be wrongful. For example, see (Durkheim 1964: Chapter 2), (Feinberg 1970) and (Scanlon 2003: 221–4). Were something like this correct, our doctrine of civility might well be applied to the criminal law.
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